

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN ALEXANDER POTTS,) 1: 05-CV-00305-OWW-SMS
Plaintiff,) ORDER ADOPTING FINDINGS AND
v.) RECOMMENDATIONS TO DISMISS ACTION
U.S. FEDERAL BUREAU OF) FOR FAILURE TO PAY FILING FEE
PRISONS,) (DOC. 6)
Defendant.)
_____)

Plaintiff is a federal prisoner proceeding pro se. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On March 1, 2005, Plaintiff filed a complaint. On March 7, 2005, Plaintiff was directed to pay the \$250.00 filing fee or to file an application to proceed in forma pauperis, and the Court's order was served by mail on Plaintiff. On March 29, 2005, the order was returned with a notation that it had been refused.

On April 14, 2005, the Magistrate Judge filed findings and a recommendation that the action be dismissed for Plaintiff's failure to pay the filing fee, comply with the Court's order, and

1 prosecute the case. The findings and recommendation were served
2 on Plaintiff by mail on the same date and contained notice that
3 any objections to the findings and recommendations were to be
4 filed within thirty (30) days of the date of service of the
5 order. No party has filed any objections.

6 In accordance with the provisions of 28 U.S.C. § 636
7 (b)(1)(C) and Britt v. Simi Valley United School Dist., 708 F.2d
8 452, 454 (9th Cir. 1983), this Court has conducted a *de novo*
9 review of the case. Having carefully reviewed the entire file,
10 the Court finds that the report and recommendation are supported
11 by the record and proper analysis.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The findings and recommendation filed April 14, 2005, are
14 ADOPTED IN FULL; and

15 2. The action IS DISMISSED without prejudice for failure to
16 pay the filing fee, comply with a court order, and to prosecute;
17 and

18 3. The Clerk of Court IS DIRECTED to close this action
19 because this order terminates the action in its entirety. IT IS SO
ORDERED.

20 Emm0d6Dated: June 14, 2005

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE